

FEB 15 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

MICHAEL F. HARRIS,
M. F. HARRIS RESEARCH, INC.

Plaintiffs,

v.

JEFFREY K. SETO, ET AL

Defendants.

Civil Action No. 7:09CV00182

ORDER

By: Samuel G. Wilson
United States District Judge

It appearing that on September 28, 2009, the court entered an order directing plaintiffs to file proof of service within 30 days or this action would be dismissed, and plaintiffs failed to comply with the court's order and the court dismissed the case without prejudice on December 9, 2009. More than one year later, on January 10, 2011, plaintiffs filed a motion to reopen the case indicating they had additional information as to defendants whereabouts to effect service. Though the court dismissed plaintiffs' original complaint because plaintiffs failed to arrange for service of process, the court notes that the original complaint also failed to contain a short and plain statement of plaintiffs' claims showing that plaintiffs were entitled to relief. Under the circumstances the court does not find reinstatement to be appropriate. However, plaintiffs may file a new complaint in compliance with Federal Rules of Civil Procedure and pay the required filing fee.

Accordingly, it is **ORDERED** and **ADJUDGED** that plaintiffs' motion is **DENIED** without prejudice to the filing of a new complaint that conforms to the Federal Rules of Civil Procedure.

ENTER: This February 14, 2011.

[Signature]
UNITED STATES DISTRICT JUDGE